

Applicants: MALTSEV, Alexander, et al.
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REMARKS

Applicants respectfully request reconsideration of the above-identified application in view of the following remarks.

Telephone Interview

Applicants are grateful to the Examiner for conducting a telephonic interview with Applicants' representative Jonathan Sharret on October 24, 2007, regarding the 35 U.S.C. § 101 rejection of Claims 1-42 and the 35 U.S.C. § 102 rejection of Claims 1, 13, and 32. During the interview Examiner indicated that he would withdraw the rejection of Claims 1-42 under 35 U.S.C. § 101. The Examiner also indicated that the rejection under 35 U.S.C. § 102 is meant to apply to all independent claims and the claims dependent therefrom.

Status of Claims

Claims 10, 30, and 41 have been canceled herein without prejudice or disclaimer. Claims 43-45 have been added. Claims 1-6, 8-9, 12-26, 28-29, 32-37, 39-40, and 42 have been amended. Accordingly, Claims 1-9, 11-29, 31-40, and 42-45 are now pending in this application. It is respectfully submitted that no new matter has been added.

Claim Rejections

35 U.S.C. § 101 Rejections

On Page 2 of the Office Action the Examiner rejected Claims 1-42 under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. As indicated above, during the telephonic interview the Examiner indicated he would withdraw the rejection of Claims 1-42 under 35 U.S.C. § 101. Accordingly, it is respectfully requested that the rejection of Claims 1-42 under 35 U.S.C. § 101 be withdrawn.

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35 U.S.C. § 102 Rejections

On pages 2-3 of the Office Action, the Examiner rejected Claims 1, 13, and 32 under 35 U.S.C. § 102(e) as being anticipated by Ryan (US Patent No. 7,065,036). As indicated above, during the telephonic interview the Examiner indicated that all independent claims and the claims dependent therefrom are rejected under 35 U.S.C. § 102(e) as being anticipated by Ryan. Therefore, Claims 1-42 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ryan. Applicants respectfully request the withdrawal of the rejection of Claims 1-42 under 35 U.S.C. § 102(e) in view of the foregoing amendments and the remarks that follow.

Independent Claims 1, 13, 21, and 32 include, inter alia "a data packet including a compatibility preamble field, two or more training fields, and a physical layer convergence protocol header that includes bit and power loading information". It is respectfully submitted that Ryan does not teach these features.

In contrast, Ryan teaches "The following describes a typical transmit sequence process for generating data packets such as that of FIG. 4 that conform to the IEEE 802.11a standard. The generated packets for transmission: (a) Produce the physical layer convergence protocol (PLCP) preamble field, composed of 10 repetitions of a "short training sequence" (used for AGC convergence, diversity selection, timing acquisition, and coarse frequency acquisition in the receiver) and two repetitions of a "long training sequence" (used for channel estimation and fine frequency acquisition in the receiver), preceded by a guard interval (GI)." (Col. 6, Lines 41-53). Thus, Ryan teaches a data packet including a PLCP field composed of ten repetitions of a short training sequence and two repetitions of a long training sequence.

Ryan does not teach the claimed "compatibility preamble field" or the claimed "bit and power loading information" which are included in the claimed "PLCP header".

It is therefore respectfully submitted that independent Claims 1, 13, 21, and 32 are not anticipated by Ryan. Claims 10, 30, and 41 have been canceled herein thereby rendering their rejection moot. Each of Claims 2-9, 11-12, 14-20, 22-29, 31, 33-40, and 42-45 depends from one of independent Claims 1, 13, 21, and 32 and is therefore likewise patentable. The rejection of Claims 1-42 under 35 U.S.C. § 102(e) as being

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anticipated by Ryan is therefore requested to be withdrawn.


CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims distinguish over the prior art of record and are in condition for allowance. Favorable consideration and passage to issue are therefore respectfully requested.

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

Please charge or credit any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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